

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

CENTER CAPITAL CORPORATION, )  
 )  
 Plaintiff(s), )  
 )  
 vs. )  
 )  
 EAGLE JET AVIATION, INC., MILTON )  
 WOODS, individually, and ALEX PENLY, )  
 INDIVIDUALLY, )  
 )  
 Defendant(s). )  
 \_\_\_\_\_ )

Case No. 2:09-cv-1367-RLH-PAL

**ORDER**  
(Motion to Clear Title—#33)

Before the Court is Plaintiff's Motion for Declaratory Judgment Against Defendant Eagle Jet Aviation, Inc. To Clear a Cloud on Title, To Facilitate Sale of the Collateral and Request for Speeding Hearing (#33, filed June 23, 2010). There has been no response or opposition filed, although due July 12, 2010. The Court also considers Plaintiff's Addendum (#36) to the Motion. Since the parties who are the subject of Plaintiff's Motion have defaulted, the Court will consider the Addendum without waiting for a response.

Interest in the jet aircraft in question in this lawsuit (a 1987 Gates Lear Jet Model 35A, Serial Number 626) and in this motion was collateral for a loan to purchase the aircraft. Although the legal procedures are complex, involving both the District Court and the Bankruptcy Court, Plaintiff recovered possession of the aircraft in November 2009 and has attempted to sell the aircraft to mitigate its damages caused by Defendants.

////

1                   However, Defendant Eagle Air Aviation, Inc., by and through co-Defendant Alex  
2 Penly (the sole officer of Eagle Air) has attempted to file a mechanic's lien to Milts Eagle LLC (the  
3 original purchaser and registered owner) against the aircraft with the Federal Aviation Administra-  
4 tion (FAA). The FAA rejected the mechanic's lien, advising that it was defective and directing  
5 Eagle Air Aviation to correct the mechanic's lien.

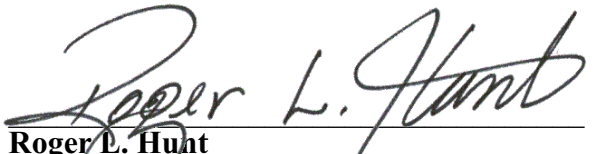
6                   Moreover, further investigation has revealed that Alex Penly, attempted, in 2007, to  
7 register the aircraft on behalf of an unknown and unregistered entity called Karen's Eagle LLC.  
8 This was rejected by the FAA, which refused to process the application because Karen's Eagle LLC  
9 was not in the chain of ownership.

10                   While these efforts have been rejected by the FAA, they put a cloud on the title to the  
11 aircraft which interferes with Plaintiff's effort to sell the aircraft and recover at least part of its  
12 damages. Plaintiff seeks a declaratory order or judgment striking any lien of Eagle Jet Aviation,  
13 Inc., or ownership or lien interest of Karen's Eagle LLC.

14                   The Court finds that a hearing on the Motion and Addendum is unnecessary and that  
15 they have merit.

16                   IT IS THEREFORE ORDERED that Plaintiff's Motion for Declaratory Judgment  
17 Against Defendant Eagle Jet Aviation, Inc. To Clear a Cloud on title, To Facilitate Sale of the  
18 Collateral and Request for Speeding Hearing (#33) and the Addendum (#36) thereto are granted and  
19 any lien or ownership interest of Eagle Jet Aviation, Inc. or of Karen's Eagle, LLC, in the jet aircraft  
20 in question (a 1987 Gates Lear Jet Model 35A, Serial Number 626) is STRICKEN and DECLARED  
21 NULL AND VOID.

22                   Dated: July 13, 2010.

23  
24   
25 **Roger L. Hunt**  
26 **Chief United States District Judge**